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7 Wells Fargo Bank, N.A.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

ISRAEL GARCIA AND JESSENIA M.
GARCIA, IVAN A. MADRUENO, AND
PRISCILLA ANN SALADORES AND
KATHLEEN L. CONIAM.

Plaintiffs,

GMAC MORTGAGE, LLC, fka GMAC
MORTGAGE CORPORATION,
EXECUTIVE TRUSTEE SERVICES,
LLC, WELLS FARGO BANK, N.A.,
RONALD M. HORWITZ, RESIDENTIAL
FUNDING COMPANY, LLC, fka
RESIDENTIAL FUNDING
CORPORATION, QUALITY LOAN
SERVICE CORPORATION, GMAC
MORTGAGE, LLC, JOHN DOES 1
through 1,000, et al.,

Defendants.

No. _____

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. § 1441**

(Federal Question)

**TO THE HONORABLE JUDGES AND CLERK OF THE ABOVE-ENTITLED
COURT:**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, defendant Wells Fargo Bank, N.A. (“Wells Fargo”) hereby files this Notice of Removal of

1 the state court civil action filed against it that is described below. The grounds for
2 removal are:

3 1. Israel Garcia, Jessenia M. Garcia, Ivan A. Madrueno, Priscilla Ann
4 Saladores, and Kathleen L. Coniam (“Plaintiffs”), with the filing of the Complaint,
5 commenced this action in the Superior Court of the State of Arizona for the County of
6 Maricopa on January 12, 2009, in Case Number CV2009-000808 (the “Superior Court
7 Action”).

8 2. Wells Fargo received a Summons and a copy of the Complaint in the
9 Superior Court Action on January 13, 2009, attached as Exhibit A. This Notice of
10 Removal therefore is timely filed under 28 U.S.C. § 1446.

11 3. Under 28 U.S.C. § 1441, this Court is the appropriate forum in which to file
12 this Notice of Removal because the United States District Court for the District of
13 Arizona, Phoenix Division, embraces Maricopa County, Arizona.

14 4. The Superior Court Action involves federal question claims arising under:
15 (1) Real Estate Settlement Procedures act, 12 U.S.C. §§ 2601 et seq., and (2) Truth-in-
16 Lending Act, 15 U.S.C. §§ 1601 et seq. Under 28 U.S.C. § 1331, this Court has original
17 jurisdiction over these claims because they arise under the Constitution, laws, or treaties
18 of the United States.

19 5. Under 28 U.S.C. § 1367, this Court has supplemental jurisdiction over all
20 other claims in the Superior Court Action because they are so related to the claims over
21 which this Court has original jurisdiction under 28 U.S.C. § 1331 that they form part of
22 the same case or controversy.

23 6. Under 28 U.S.C. § 1441, the Superior Court Action may be removed to this
24 Court by Wells Fargo, without regard to the residence or citizenship of the parties,
25 because this Court has original jurisdiction founded on a claim or right arising under the
26 Constitution, treaties, or laws of the United States.

1 7. On February 3, 2009, Defendant Ronald M. Horwitz filed a Motion to
2 Dismiss him from the Superior Court Action. A copy is attached as Exhibit B. Upon
3 information and belief, no other proceedings have been had in the Superior Court Action,
4 other than the filing of the Complaint and service of process, as of the date of filing this
5 Notice of Removal.

6 8. Pursuant to 28 U.S.C. § 1446, in addition to the Complaint attached as Ex.
7 A, and the Motion to Dismiss attached as Exhibit B, copies of all process and orders
8 served upon all defendants in the Superior Court Action are attached as Exhibit C.
9 Attached as Exhibit D are the consents to removal of Defendants GMAC Mortgage, LLC,
10 Executive Trustee Services, LLC, Ronald M. Horwitz, Residential Funding Company,
11 LLC, and Quality Loan Service Corporation.

12 9. Pursuant to 28 U.S.C. § 1446 and LRCiv 3.7(a), counsel for Wells Fargo has
13 caused a copy of this Notice of Removal to be filed with the Clerk of the Superior Court
14 of the State of Arizona in and for the County of Maricopa, a copy of which is attached as
15 Exhibit E.

16 WHEREFORE, Wells Fargo respectfully requests that this Notice of Removal be
17 filed, the Superior Court Action be removed to and proceed hereafter in this Court, and no
18 further proceedings be had in the Superior Court of Maricopa County, State of Arizona.

DATED this 12th day of February, 2009.

SNELL & WILMER

By: /s/Gregory J. Marshall

Gregory J. Marshall

Terence Whatley

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Attn: of Wall E

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CERTIFICATE OF SERVICE

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I hereby certify that on the 12th day of February, 2009, I electronically transmitted the foregoing document and any attachments to the U.S. District Court Clerk's Office using the ECF System for filing and transmittal.

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And a copy of the foregoing will be mailed via regular U.S. mail to the following who is not a registrant of the ECF system or who are receiving courtesy copies:

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